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March 11, 2005

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The Kaplan/Bond Group  
88 Black Falcon Avenue  
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Attention: David B. Kaplan, Esquire

RE: **Frank Saco v.  
TUG TUCANA and TUG TUCANA CORPORATION  
Civil Action No. 03-12551-NG**

Dear Attorney Kaplan:

We refer to the above matter and your letter dated March 9, 2005 inquiring into the status of the surgical procedure recommended by Dr. Chiodo.

While we understand that Dr. Chiodo has recommended a further surgical procedure for your client, we further note that the medical records received from Dr. Robert Wood state that in July 2004 your client reported **"having some pain in the right foot since he twisted it a couple of weeks ago."** We also note that X-rays taken of your client's right foot at the Beverly Hospital on July 1, 2004 revealed **"evidence of loosening of screws bridging the bases of the second and third metatarsals."**

You may note in Dr. Rudicel's examination report that she asked your client about the circumstances surrounding the twisting incident, however your client responded that he had a minor injury to his ankle. Accordingly, it appears that your client has suffered a second injury to his right foot and the circumstances surrounding this new incident may be relevant to the defense and the obligations of maintenance and cure.

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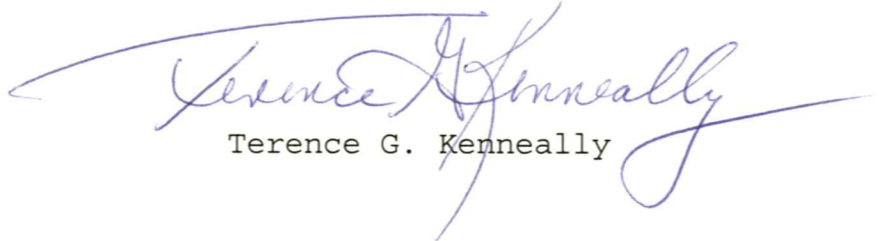
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Consequently, we request your cooperation to reopen your client's deposition concerning the circumstances surrounding this second incident and the course of treatment he has pursued since he was initially deposed on April 16, 2004. We request that this be obtained as soon as possible prior to responding to your request for authority to perform the surgical procedure.

Please advise us of your client's availability for the deposition concerning the issues outlined herein.

Should you have any questions or concerns, please advise the undersigned.

Very truly yours,



Terence G. Kenneally